IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 16570 of 2001

Between:

1 Satya Gouri Theatre, Rep. by its Managing Partner M.

Satti Reddy S/o Raghavendra Reddy
Kakinada, East Godavari District.
2 Chandrika Theatre, Rep. by its Managing Partner M.

Ramana Murthy S/o Satyanarayana
Kakinada, East Godavari District.
3 Sri Satya A/c Theatre, Rep. by its Managing Partner D.

Rama Rao S/o Late Soranna, Pithapuram,

East Godavari District.
4 Sri Rama Talkies, Rep. by its Managing Partner

D. Rama Rao S/o Late Soranna Pithapuram,

East Godavari District.
5 Sri Satya Touring Talkies, Rep. by its Managing Partner

V. Kondalaraidu S/o Ramaiah Tallarevu,

East Godavari District.
6 Theatre Raj, Rep. by its Managing Partner

Shaik Shajahan S/o Ibrahim, Kakinada Rural,

East Godavari District.
7 Purna Theatre, Rep. by its Managing Partner

Ch. Subramanyam S/o Satyanarayana
Pithapuram, East Godavari District.
8 Annapurna Theatre, Rep. by its Managing Partner

Ch. Subramanyam S/o Satyanarayana
Pithapuram, East Godavari District.
9 Sri Satya A/c Theatre, Rep. by its Managing Partner D.

Rama Rao S/o Late Soranna

Peddapuram, East Godavari District.

..... PETITIONERS

AND

1 Films Divisions, Ministry of Information and

Broadcasting, Govt. of India, Rep. by its

Branch Manager, Vijayawada, Krishna District.
2 Joint Collector, Kakinada, East Godavari District.
3 Revenue Divisional Officer, Kakinada, East Godavari

District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue Writ of Mandamus or any other appropriate writ of directions declaring the action of the 1st Respondent in calling for statement of accounts from 1-7-1994 onwards from the petitioners for the purpose of fixing rentals for exhibition of approved short films vide its notice dated 25-8-1999 as illegal, null void and arbitrary.

Counsel for the Petitioner: MR.O.MANOHER REDDY

Counsel for Respondent No.1: Central Govt. Standing Counsel

Counsel for Respondent Nos.2 & 3: GP FOR HOME

The Court made the following :

ORDER:

All the petitioners are Cinema Theatres holding licence under Form-B issued under Rule 11 of the Andhra Pradesh Cinemas (Regulation) Rules, 1955. They have also supplied

short films by first respondent on payment basis. It appears that the first respondent directed the petitioners to submit statement of accounts from 1.7.1994 for the purpose of fixing rentals for exhibition of approved short films and issued notice in August, 1999. These are assailed in this writ petition on various grounds.

A Division Bench of this Court of which I was a member, in a batch of cases being Writ Appeal Nos.298 of 2001 and batch dated 21.8.2001, considered this aspect of the matter and held that the liability of the cinema theatres to pay rentals for short films has to be determined on resolution of the dispute as to whether short films had been supplied to them or not. This Court also observed that on the ground that rentals were not paid by the theatres to the Film Division, the State cannot refuse to renew the Cinematograph licence unless conditions precedent for renewal of licence are not satisfied.

It is neither disputed nor denied that the ratio laid down by the Division Bench in an unreported judgment in **MAHESWARI 70 M.M. THEATRE v. FILM DIVISION, MINISTRY OF INFORMATION AND BROADCASTING, HYDERABAD & ANOTHER** (W.A.Nos.298 of 2001 and batch) squarely applies to the facts of this case. Therefore, this Writ Petition is disposed of in terms of the judgment of the Division Bench referred to above. No costs.

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V.V.S. RAO, J.

29th June, 2005

Js

To

1 The Branch Manager,Films Divisions,

Ministry of Information and Broadcasting,

Govt. of India, Vijayawada, Krishna District.
2 Joint Collector, Kakinada, East Godavari District.
3 Revenue Divisional Officer, Kakinada, East Godavari

District.

4 Two CCs to G.P. for Home, High Court Buildings, Hyderabad.

5 2 CD copies.